HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ petition No.25891 of 2007

Dated: December 28, 2007

Between:

Beesetti Atchiyamma W/o Apparao,
Aged 65 years, Occ: Cultivation,
R/o. Thantikonda village,
Gokavaram Mandal, East Godavari District.

… Petitioner

And

The Additional Agent to the Government,
Rampachodavaram, East Godavari District,
And others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in evicting the petitioner from the land admeasuring Ac.1.48 cents in Sy.No.102/2 of Pedabhimpalli Village, Devipatnam Mandal, East Godavari district, pursuant the order dated 22-10-2007, passed by the second respondent in ADO LTR No.49/2007 in exercise of powers under A.P. Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70, pending disposal of the appeal filed by him against the said order as arbitrary and illegal.

2. Heard learned counsel for the petitioner and learned

Government Pleader for Social Welfare appearing on behalf of the respondents.

3. Petitioner claims to be the owner of the aforesaid land having purchased the same from one Mr. M. Veerabhadram by an agreement of sale dated 25-01-1968 and the same was registered vide document No.644/1972 dated 17-04-1972. The Agency Divisional Officer, Rampachodavaram, passed order dated 22-10-2007 evicting the petitioner from the aforesaid land on the ground that he has purchased the same in contravention of the provisions of A.P. Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70. It is stated that against the order dated 22-10-2007, petitioner has filed an appeal dated 28-11-2007 before the first respondent, Additional Agent to Government, Rampachodavaram, along with an application for stay.

4. The grievance of the petitioner is that on one hand no orders have been passed either on the stay application or on the appeal and on the other, steps are being taken for his eviction.

5. By the impugned order, while ordering eviction of the petitioner from the land in question, the second respondent has further directed that the same be taken into the custody of the Government.

6. It is the case of the petitioner that he has purchased the land in question by an agreement of sale dated 25-01-1968 and the same has also been registered, and the purchase is not in violation of the provisions of A.P. Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70.

7. In view of the fact that the appeal filed by the petitioner is pending consideration, it is not desirable to record any finding on the merits of the case. As it is stated that the petitioner has purchased the land in question in the year 1968 and since then he has been in

continuous possession and as much as the petitioner has availed the remedy of appeal, I dispose of the writ petition directing the first respondent/appellate authority to dispose of the appeal filed by the petitioner against the order of the third respondent, which is numbered as C.M.A.No.29 of 2007, as expeditiously as possible. Till such time, respondents shall not take any steps for eviction of the petitioner from the land in an extent of Ac.1.48 cents in Sy.No.102/2 of Pedabhimpalli Village, Devipatnam Mandal, East Godavari district. There shall be no order as to costs.

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JUSTICE R. SUBHASH REDDY.

December 28, 2007
MRR